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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA, Plaintiff, v. **Sergio DEL RIO-Vera,** Defendant	Magistrate Docket No. '08 MJ 0491
	CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY: DEPUTY
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 18, 2008** within the Southern District of California, defendant, **Sergio DEL RIO-Vera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** **DAY** OF **FEBRUARY 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Sergio DEL RIO-Vera

PROBABLE CAUSE STATEMENT

On February 18, 2008, Senior Patrol Agent E. Emge was working in the area known as "Yogurt Canyon." This area is approximately five miles west of the San Ysidro, California Port of Entry and approximately 100 yards north of the United States/Mexico International Boundary. Agent Emge responded to a seismic intrusion device. A scope operator then advised him that he observed one subject running north near his position. After a brief search of the area Agent Emge located one individual lying in dense brush. Agent Emge identified himself as a Border Patrol Agent to the subject, later identified as the defendant **Sergio DEL RIO-Vera**. Agent Emge questioned the defendant as to his citizenship and nationality. The defendant stated that he was a citizen and national of Mexico without any immigration documents that would allow him to enter or remain in the United States legally. The defendant was arrested at approximately 5:40 p.m. and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 11, 2005** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant stated that he was a citizen and national of Mexico and admitted he did not possessed any immigration documents that would allow him to be or remain in the United States legally. The defendant admitted to entering illegally on today's date and that he was heading to San Fernando Valley.

[signature]
James Trombley
Senior Patrol Agent

[signature]
William McCurine Jr.
U.S. Magistrate Judge

2/20/08, 0921hrs
Date/Time